UNITY

FREEDOM, FELLOWSHIP AND CHARACTER IN RELIGION

THE WORKING PRINCIPLES OF THE AMERICAN CONSTITUTION

By

DAVID JOBMAN

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The Field

"The world is my country, to do good is my Religion."

Ferment in India

The administration of India by the British, said a recent writer, is paralleled in almost every point by the Japanese domination of Korea. In both countries there is a growing demand for independence.

In India, this demand is embodied in the National Congress Party which in the fifty odd years of its existence has evolved a platform of complete freedom. In its early years (1885-1905) the Congress limited its work to protesting certain British policies and to promoting by constitutional means the interests of the people of India. From this point of view it advanced to the demand of Dominion status (1905-1920). Then came the period in which the Congress demanded self-rule "within the Empire, if possible, without, if necessary" (1920-1929). Finally, in 1929 it adopted a program of complete independence.

Throughout this development there was increasing emphasis on the economic, political and social problems of India. Boycotts and civil disobedience were followed by programs of agrarian reform, civil liberties, education, improvement in workers' conditions, taxation, and similar matters, and the relation between Britain and India was more and more viewed as that of exploiter and exploited. Mass expression of solidarity with progressive struggles outside of India became frequent, particularly in regard to Ethiopia, the Spanish Popular Front, and China.

That was the situation which the new constitution was designed to meet. How is it working? At first the Congress decided not to accept office under British rule, but it changed its mind when it won in seven provinces. Doubts continued, but the British promised not to veto the acts of the provincial governments except in an "emergency." Now the governments of Bihar and of the United Provinces ordered the release of 43 political prisoners and the British vetoed the order. The cabinets resigned in protest.

Civil liberties are continually being violated, as the reports of the Indian Civil Liberties Union indicate. Letters are opened in transit, books like Reynold's *The White Sahibs of India* and Podmore's *Africa and World Peace* are prohibited, and the protests against police brutality against students and even helpless women by means of lathi charges have become frequent.

The sending of Indian troops to Shanghai without consultation with the Indian people has also resulted in widespread protest. Nehru, the Congress leader, declared in a recent speech that the sympathies of the Indian people were inevitably with the

(Continued on page 45)

UNITY

"He Hath Made of One All Nations of Men"

Volume CXXI MONDAY, APRIL 4, 1938 No. 3

FREEDOM

Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

—Bill of Rights.

STATEMENT!

Events are moving too fast these days for any bi-weekly, or even weekly, magazine to keep the pace. Before one world-shaking occurrence has ceased its reverberations, another has followed greater than the first. It's like the bombs bursting on Barcelona! In despair of adequate comment on the swift-moving panorama of China, Austria, Spain, Poland, Lithuania, Italy, Russia, France, Mexico, we simply say that UNITY's sentiments are those of the great body of our fellow-citizens, and that we join with a full heart in the sorrow and terror of the hour.

MORGAN, ROOSEVELT, AND THE TVA

The collapse of the TVA administration is one of the major tragedies of the New Deal. We feel this the more keenly, and say it the more clearly, since we believe in the TVA with all our heart and mind and soul and strength, and regard it as one of the chief and surely enduring glories of the Roosevelt administration. That now, at the very time when the TVA should be at the climax of its great public usefulness, this dreadful feud in the Board should be rending Washington and distracting the nation, is a calamity of the first magnitude. Where the trouble and the truth lie in this situation, we do not know. But we know Arthur E. Morgan in more ways than one, though not personally. And we want to say that in any quarrel between him and his two colleagues, we line up on his side every time. We make our own in this place a statement published in the New York *Times* by Charles C. Burlingham, eminent lawyer, distinguished public citizen, friend of Mr. Roosevelt and of the New Deal. Says Mr. Burlingham, after making plain that the President's inquiry lay wholly outside the authorization of the TVA Act, and "was bound to be unsatisfactory":

> The chairman is a man of the highest character and capacity. He has already accomplished a monumental work. It is hard to imagine any other man in the United States who could have equaled it. For several years he has been harassed and thwarted by associates who, whatever their abilities, could never have done for the TVA what he has done. The notion that because they are two against one they should control is absurd. Why should two of less knowledge, experience and ability decide by a mere majority issues of enormous importance against the judgment of one of the ablest and most efficient engineers, executors and administrators America has produced?
>
> The case looks to many of us like that of General Goethals, who suffered similar attacks but was supported by President Wilson and kept in full power. Chairman Morgan no doubt has his faults, but he is the sort of man we like in high office, and he deserves the support of the President and of the people.

This says all there is to be said. There can be no answer to this plea. Yet it is this man who has been hunted and hounded, and now must seek refuge in the desperate resort of a Congressional investigation. Liberals throughout the country, who honor and will ever honor the great President of Antioch College, will give him sympathy and support, and await with confidence the hour of his vindication.

EUROPE AND THE AMERICAN ARMAMENT PROGRAM

It is pathetic to see the European crisis used by our militarists as argument for the adoption and even extension of the President's armament program. Of course, this is an old trick—to use anything and everything, regardless, as proof that America must arm to the teeth. It's a poor "big navy advocate" who cannot demonstrate that, whatever happens, we need more ships and guns. In this case, however, the logic seems particularly outrageous. For the tighter grows the tension in Europe, the more the European powers become entangled, the less the chance of any one of these powers, or all of them together, paying attention to us! Look at Italy, for example! With one leg of her empire securely fettered in Ethiopia, with the other leg as securely fettered in Spain, with German hordes at the Brenner Pass and talk already abroad of the return of the Tyrol to the Reich, with France hostile and Britain suspicious, does anybody think that Italy is going to be able to attack America at any time this side of the fall of Mussolini? Look at Germany! With the consolidation and reconciliation of Austria on her hands, with thousands of troops garrisoned in Vienna and Gratz and Linz for an indefinite period, with the

French army on watch along the Rhine, Czechoslovakia under arms night and day, and Russia mobilized along the Ukraine frontier—an isolated nation ringed around with foes on every hand—is Germany likely to be free at any time within the lifetime of living men to cross the Atlantic and try *anschluss* here? And what other European nations than these two need we fear? As for Japan, bogged deeper and deeper in China, with Soviet Russia to the north and west like a lowering storm, this nation is going to be glad enough to escape from her present difficulties, without voluntarily seeking any new ones. The worse the crises to the east and west, the better off we are—the surer and securer the barriers of the Atlantic and the Pacific. Yet does the clamor rise for the unprecedented armament which the President has recommended to the Congress. It all seems sheer insanity—but perhaps it is this very insanity which explains it! The world has gone crazy, America along with the rest of mankind.

THE WPA AN ARMY RECRUITING STATION

If ever eternal vigilance were needed in this country, it is needed now. Militarism is creeping upon us; inch by inch, the tide of war advances. Look, for example, at this latest move of the United States Army to enlist WPA workers into the ranks! Letters have gone out to local public welfare officials pointing out that recruiting for enlistment in the armed forces of the government might provide "a means of reducing your relief rolls and costs." As early as last January, so we are told, a meeting of representatives of the army, navy, and other branches of the armed service was held in New York City, in the offices of Col. Brehon B. Somervell, local Works Progress Administrator, to discuss ways of encouraging shifts of qualified personnel from WPA to the various branches of the national defense. Capt. L. B. Magruder, acting recruiting officer for the Second Corps Area, was present at this meeting, according to a story in the New York *Times* (February 25th), and came away "with the conviction that persons who refused to accept military posts would be dropped from the federal relief lists." This isn't conscription, but it is near enough to justify fears long felt that by some hocus-pocus of government policy, the unemployed would be tempted or coerced into military service, and thus the relief rolls made the effective basis of war preparedness. It all fits in beautifully with the suspicion, long since voiced by trained and well-informed observers, that the war-scare launched in Washington is just the thing to lift from the government's shoulders the burden of the new depression. We do not say that this is so; the *Times* reports that the Washington officials were surprised to hear these stories of WPA recruiting. But what is happening is an inevitable development of the whole atmosphere and temper of the administration these days. We are again in the clutches of the war machine. Before we know it, we will be caught for good and all. Hence the need of protest day and night to Washington!

PERSHING—AND EUTHANASIA

The recovery of General Pershing from what seemed to be fatal illness has cured us of the euthanasia idea. We have played with the idea, and tried to convince ourselves that, under proper medical and legal safeguards, mercy-killings would serve a good purpose. There seemed to be sound arguments in its favor—notably, the relief to the state of caring for thousands of dependent incurables, and the relief to the fatally ill of being delivered from torturing pain. But when is a person incurable? A few years ago *dementia praecox* was hopeless—but it is so no longer! Now the *dementia* patient can be cured. Which means that, if euthanasia were in vogue, great numbers of persons who may now be saved would long since have been killed! And when is a person fatally ill? Certainly General Pershing seemed to have come to his end. On a certain day he was unable to take food or even drink, his kidneys were paralyzed and his body therefore being poisoned, his mind had lapsed into coma, his heart was weak and torturing the patient with agony. The railroad had brought a special funeral train to Tucson, to transport the body east. The newspapers had rushed their best reporters to the bedside, to cover the sad event. The physicians issued bulletins, indicating that death might momentarily be expected. Then—the General opened his eyes, called for his barber, and got well! But *would* he have gotten well, would he have been allowed to suffer, would he not have been gently and mercifully eased out of life, if euthanasia had been legal? It's dangerous business—this muddling with the mystery of life and death. How dare we lay hands upon it, when we know so little about it? The trend of the best thought today is all against killing. We shudder at capital punishment, and call for its abolition. We denounce and condemn war as wanton murder. How fit in with such ideas the proposal to take the helpless, from however good motives, and consign them to death? Increasingly, as we ponder the problem, we seem to find in euthanasia one more example of the ethical fallacy of the end justifying the means. Perhaps it will be wise, in this case as in others, to line up on the side of life—and fight death still to the end.

IN MEMORIAM: CLARENCE DARROW

A great soul passed in CLARENCE DARROW, dead on March 13th last. Darrow did not believe in the soul—it was his delight to say that he could go to any drug-store, and for a dollar buy all the ingredients necessary to compound a personality! But had be been less humble and looked within, he would have found within himself the essence of all that we mean by spirit. One characteristic dominated his thought, as one work occupied his days. He was the friend of the underdog,

of the poor, the lost, the hunted, the hated, the oppressed. It was his boast as a lawyer that he had never prosecuted anybody, but had always been engaged in defending somebody. All the talents of his resourceful mind were placed, often freely, at the disposal of those under condemnation of society. Many of his cases were famous—the Debs case in 1893, the Haywood, Moyer, and Pettibone case in Idaho in 1905, the McNamara case in 1911, the Leopold-Loeb case, and the Dayton "monkey" trial. But more were obscure battles for unknown men and women who frequently had no friend but the kindly lawyer who stood by them at the bar. Darrow's practice in this regard was largely dictated by a philosophy which placed the center of responsibility for crime not in the will of the offender but in the environmental influences of society. The average criminal was simply an individual who had never had a chance—uneducated or badly educated, struggling with poverty, beaten by oppression—more sinned against than sinning. Many of his more distinguished defendants were men battling against the injustices of the political or economic order, and thus smitten by the wrath of the powerful. In either case, Darrow was the advocate of "lost causes" which in compassion, and frequently with a profound sense of wrath, he served as a knight on a crusade. In his religious views, Clarence Darrow represented a peculiar case of "arrested development." He was caught early, in his reaction against Christian orthodoxy, by the materialistic agnosticism of the mid-nineteenth century. Beyond this he never moved an inch. A new science came into being, followed by a new philosophy. Materialism went dead, agnosticism became *passé*. But Darrow never knew it! Who cared, however? He had the heart of religion in him, for "whosoever hath done it unto the least of these my brethren, hath done it unto me."

A GREAT AND NOBLE CLERIC

The death of LEIGHTON PARKS on March 21st last stirs memories of theological controversy and crisis. A lifelong liberal, Dr. Parks was temperate and courteous in his utterances and never sought contention with his more orthodox brethren. But when truth was betrayed or injustice done, he leaped like a soldier to the fray. Who can forget the once famous Heaton case, when an obscure Episcopal rector in Texas was set upon by the bishops of the church on a charge of heresy for denying, or questioning, the doctrine of the Virgin Birth? Himself rector of the great and fashionable St. Bartholomew's parish in New York, Dr. Parks sprang instantly to Mr. Heaton's defense. Dramatically doffing his priestly vestments and donning his academic gown of Doctor of Sacred Theology, he mounted the pulpit, announced his agreement with his Texas colleague, raked the whole conservative element of his church with his verbal gunfire, and then challenged his bishop, William T. Manning, to put him on trial for heresy. "Take a man your own size," was his cry! That it took courage to speak out in this fashion is shown by the fact that Dr. Parks was defying not only his bishop but many of his parishioners. Thus, in the days following this exciting incident, the late Mrs. Cornelius Vanderbilt, Sr., was one of a group of men and women who left St. Bartholomew's Church in protest. Dr. Parks was a knightly gentleman, as handsome in appearance as he was gallant in conduct. No more forthright preacher ever stood in a Christian pulpit. He was an able writer as well as speaker, his autobiography, *Turnpikes and Dirt Roads,* being one of his most delightful works. He was wise enough to retire in the fullness of his powers, and enjoy a quiet and blessed old age. The church and the world are the poorer for his passing.

Jottings

The new federal tax on hard liquor was opposed by certain Congressmen on the ground that "the increase might bring back the bootlegger." Who are these Washington innocents who do not know that the bootlegger has never gone away?

Secretary Wallace's farm referendum votes remind us for all the world of Hitler's referendum votes in Germany. Only Hitler does a better job—he got 95 per cent majority in his last balloting, whereas Secretary Wallace got only 93 per cent! When orders come from headquarters, the voters goosestep.

When Jews flee from Austria into Poland and Roumania, one may know the extremity of the Jews' peril and distress in the newly-won land of the Swastika.

A despatch from Vienna:

> "One of Schuschnigg's last acts was set aside by victorious Nazis. He had ordered all saloons closed. The Nazis reopened them. Cafes, wine rooms, and beer stüben were reopened and did a roaring business all night."

That's right—get 'em drunk. Heil liquor!

Sigmund Freud need not worry because the Nazis have taken his passport. Freud's fame is a passport which any government will be glad to recognize and honor.

J. H. H.

The Working Principles of the American Constitution

DAVID JOBMAN

The history of the United States of America and the Federal Constitution properly originates with the Mayflower Compact of 1620; the Fundamental Orders of Connecticut of 1639; the New England Confederation of 1643; William Penn's unsuccessful scheme of 1697 based on "universal concurrence"; the Stamp Act Congress of 1765; the many unofficial yet powerful Committees of Correspondence; the First Continental Congress in 1774, this being, in a true sense, the first national legislative assembly in America, having to its credit the Petition of Grievances against British colonial policy as it affected its American possessions.

With the king's policy unchanged and uninfluenced by appeals to reason or mercy, and following the battles of Concord, Lexington and Bunker Hill, the Second Continental Congress met on May 10, 1775, presided over by John Hancock, facing a situation which was bound to tax all human resourcefulness. Franklin's significant words clearly summarized the situation: "We must all hang together or we shall all hang separately." This Congress was fated to guide the destinies of the nation to victory and independence, till the inauguration of the first president of the United States and the convening of the First Federal Congress under a Federal Constitution, in 1789. It was devoted to the prosecution of the Revolution; organized the open military rebellion against the mother country; appointed, under the influence of John Adams, Washington as Chief of the Continental army; issued to the civilized world the remarkable Declaration of Independence; and framed, in 1781, after years of bickerings, the Articles of Confederation, which loosely knit the thirteen original colonies into "a united front in the cause of freedom from the English Crown," while facing the foreign mercenary legions who were imported by the king to bring death and ruin and submission to the American countryside. With the surrender of the British under Cornwallis, in 1781, the empire was obliged to sign, September 3, 1783, at Paris, a peace treaty acknowledging American independence; thus paving the way for further development and expansion, unhampered by foreign tyranny.

To face some of the urgent problems vexing the leaders of the individual states, commissioners met at Mt. Vernon, Virginia, in 1785, to propose ways and means for the settlement of disputes between Maryland and Virginia. In 1786, acting upon the suggestion of James Madison, delegates representing the five States of Virginia, Delaware, Pennsylvania, New York, and New Jersey, met at Annapolis to discuss and arrange matters of commerce of common concern. The following year, in May, 1787, a Constitutional Convention, steered by Washington, Hamilton, and Madison, met in Carpenters' Hall, Philadelphia; the fifty-five delegates representing twelve states (Rhode Island abstaining) gathering for the purpose of improving the inefficient Articles of the Confederation; finally deciding upon the radical step of creating an entirely new code which would prevent disunion and create the foundation of a true Union of States. Washington was made president of the Convention, Jackson of the Continental army was elected secretary; while the honorary post of godfather and "peacemaker" was assigned to the venerable and aged Franklin.

Though officially opened for business on May 25, the Convention was able to complete its tasks only four months later, after many earnest, heated, and even bitter deliberations behind closed doors. One sentence from George Washington's letter to Hamilton (July 10) reveals the tensity of the situation, bordering on discouragement, that gripped the makers of the Constitution. "I almost despair," says Washington, "of seeing a favorable issue to the proceedings of our convention, and therefore repent having any agency in the business."

Of course, Washington was not discouraged, nor was he complaining. He was merely stating facts as he actually confronted them.

On September 17, 1787, eleven years following the historical Fourth of July and four years after the peace treaty at Paris was signed, the Federal or Constitutional Convention adopted a new code, replacing the Articles of Confederation, "as the guardian of liberty and the supreme law of the land."

The difficulties confronting all progressive action in the life of a nation are revealed in the record dealing with the final adoption and subsequent struggle for the ratification by the thirteen individual states of the new instrument which, we now know, has weathered many a storm, serving as a guide to posterity and stressing the blessings of self-government. At the final ratification, out of the thirteen original states, only three—Delaware, New Jersey, and Georgia—had given their unanimous consent to the final draft, while the rest had each marshalled a formidable opposition, the final aggregate vote being 577 negative votes against 1,071 yeas. There was inevitable struggle and compromise; greed and public interests had to clash; traditional ways and wrongs had to be faced somehow. But for the sake of the Union even the shameful concession to the effect of permitting the African slave-trade till 1808 was considered not too big a sacrifice. Thanks to the efforts of men like Hamilton, Madison, and Jay, whose *Federalist* had performed real yeoman service, the Federal Government was finally inaugurated and, on April 30, 1789, fourteen years after the battle of Lexington, George Washington took the oath of office as the first president under the new Constitution of the United States of America.

The successful end of the War of Independence, lasting from 1775 to 1783, has vindicated the American contention that governments derive "their just powers from the consent of the governed." But the end of hostilities had not solved the problems at home. As General Lincoln phrased it, there was "a want of industry, economy, and common honesty," a heritage of all wars. And the affairs in the State of Massachusetts reflected the general condition when, in 1786, at Springfield, Captain Daniel Shays led his ill-fated rebellion against established authority and enthroned, moneyed men of Boston. Of course, General Lincoln easily suppressed the rebels and peace was restored. But the conditions remained. Even Washington was forced to refer in his correspondence to the years 1786-7

as a time with "combustibles in every state which a spark might set fire to. . . ."

Facing bravely the problems of their times, the makers of the Constitution found themselves in a land endowed with all the natural wealth necessary to guarantee life, liberty, and happiness to all. Desiring to live at peace with all nations and to make that life possible, they framed an instrument permitting basic changes in the social structure in a manner acceptable under the normal processes of democratic government—then a radical novelty. There is meaning in the very existence of the United States of America which self-centered greedy individuals and groups will never understand. This meaning is read right through the centuries, from the landing of the Pilgrims in the first decades of the seventeenth century to our own times. And the creators of the new nation placed that very meaning in the Preamble to the Constitution in such words that there could be no mistake as to their original intentions. They clearly announced that the basic laws of the new nation were to be ordained and established not for the sole benefit of a small yet fortunately situated powerful minority to serve Mammon and individual greed; but, most definitely, "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

Here is the alpha and omega of all utopian aspiration. Within a few lines the founding fathers had managed to express all the best there is to be had by mankind, once the fair dictates of reason replace the fruitless horrors of a mankind divided against itself.

But how are these most desirable social conditions to be achieved amicably and democratically?

Confronting a European horizon decked with iniquitous tyrannies—the Bourbons in France, the Hapsburgs in Austria, the petty military despotisms in Germany, Italy, and Spain, the cruelties of the old Russian and Turkish regimes, and an England under a most irrational George the Third—the framers of the American Constitution were determined to save the new nation from the plagues of all tyranny. As champions of the rights of mankind, having the courage of their convictions and an unsurpassed moral fortitude, they accepted Montesquieu's political philosophy which maintained that political freedom could only be secured by a system of checks and balances between the executive, legislative, and judicial branches of government. They legislated for a three-fold organic social mechanism, for purposes of popular control against usurpation, endowing it at the same time with a democratically adaptable resiliency to make it conform with the ideals of democracy and the legitimate needs of changing times and growing needs. The result has been the centralized democracy of today, ready and able, with popular support, to meet in a peaceful and constructive way the needs of the hour.

The heart of the American Constitution, which is the soul of the American people, is centered in its faith in the democratic ideal, which "is the ideal of freedom under democracy — liberty attained by government founded in democratic institutions" where all are "fellow-laborers in the cause of liberty" and "living in harmonious friendship." (See President Roosevelt's radio address on the occasion of the dedication of the American Monument at Montfaucon, France, August 1, 1937.) A careful study of the many discussions centering about the adoption of the Federal code and the adopted draft reveals that the makers of the Constitution were working under the identical faith that helped them to face the fearful obstacles of their day. The primary aim was to create a strong central democracy to combat the encroachments of foreign autocracies while guarding against the greedy habits of vicious minds at home. "The men," says Washington in the letter referred to above and addressed to Hamilton, "who oppose a strong and energetic government are in my opinion narrow-minded politicians, or are under the influence of local views. . . ." And the final draft as adopted was above all provincialism, while offering justice for all fair claims. With farsighted, prudent management of democratic procedure, and as a safeguard against arbitrary despotism, the makers assigned to the people's House of Representatives "the sole power of impeachment," while balancing its authority with the Senate's "sole power to try all impeachments." (Art. I, Sec. 2 and 3.) In accordance with democratic principles, federal laws are to be made with the concurrence of both Houses and the signature of the President, yet making it possible, should the President withhold his consent, for the people's will to dominate over his veto by the passage of the necessary measure by a two-thirds majority in each House. (Art. I, Sec. 7.) There can be no mistake about the real intentions of the founders when they set it down as a maxim that "Congress shall have power to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general welfare of the United States." (Art. I, Sec. 8.)

In the light of present-day social and industrial dilemmas, it is safe to conclude that the presence in our midst of citizens without decent housing facilities, of armies of unemployed anxious to work, of overcrowded schools with undernourished children—all these glaring iniquities are assuredly not conducive to the "general welfare of the United States." And the Federal code, through Article I, Section 8, emphatically grants to Congress the authority "to lay and collect taxes" for "general welfare." This function is also in accord with the mandate in the Preamble which set out "to form a more perfect union" and "establish justice." Of course, there can be no "perfect union" when the nation itself is divided into distinct classes of very rich and very poor, filled with warring, self-centered groups. Only those biased by greed can rise to protest when Congress undertakes to legislate for purposes specifically ordained in the basic laws of the land. The prominent inclusion of Article I, Section 9, Paragraph 1 in the document, as well as Patrick Henry's wilful absence from the Constitutional Convention to which he was a delegate, and the regrettable instances like the 1856 Dred Scott Case decision by the Supreme Court, may for a time darken the national horizon and cause dreadful social damage. Yet a re-affirmation of the undying principles enunciated by the makers of the Constitution leads to a moral stressing of the needs of eternal vigilance as a civic duty. A candid reading of the original code forces the conviction that the framers of the instrument above all intended it to be a medium of peace, good will and fellowship; never, in its completed form, does it encourage greed, abuse, or injustice. The Atlantic seaboard was to usher in a moral regeneration as well as an improvement in the politi-

cal and material life of its people, who flocked to its shore to escape oppression and persecution.

Note closely, for instance, that the same section which empowers Congress to legislate for "general welfare," grants also powers for Congress "to define and punish piracies and felonies committed on the high seas, and [mark this!] offenses against the law of nations." (Art. I, Sec. 8, Par. 10.) We learn that the pioneers intended the young nation to be governed by a basic code which not only secures domestic tranquility, peace with justice and general weal, but also international amity based on the same principles of democratic living and mutual aid. They dreamed of an order where reason takes the place of the sword; justice takes the place of greed; opportunity takes the place of oppression. It was Utopia; but the founding fathers dared to have its prints for materialization incorporated in the basic laws of the land for daily guidance. As a rule we do not think of the things we already possess and enjoy; yet they had beginnings steeped in sacrifice and bitter struggle. With a faith undimmed in the better judgment of a free people, the pioneers had no hesitation in granting sole sovereignty to the people as expressed through their representatives in Congress. This is the reason why, quite bluntly, the concluding paragraph of Article I, Section 8 of the Constitution stresses that to Congress is granted the power "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers. . . ."

Knowing from actual experience the ways of tyrannical despotisms as they wrecked the Old World, the makers of the American code feared that by granting too much power to the Chief Executive, who was also Chief of the military forces of the land, they might expose anew the new nation to European dangers. Power in the hands of a man is as dangerous as it is tempting. So we find them forestalling such a possibility by the ordinance that the President of the United States is bound by his oath or affirmation to the best of his natural "ability to preserve, protect and defend the Constitution of the United States." (Art. II, Sec. 1.) Thus, from the very outset, in place of being a ruler *over* the people, he is made a servant of their legitimate needs.

Every major appointment or treaty must be made "with the advice and consent of a two-thirds vote of the Senate." (Art. II, Sec. 2.) The large majorities were inserted to prevent government by "cliques," which may express itself in personal devotion regardless of the actual needs of the people. Having freed themselves, after a protracted Revolutionary War, from the oppressions of a foreign king, the builders of the new nation took good pains to make it legally impossible for any new tyranny to set itself up permanently over and against the "general welfare" of the people as a whole. Thus guarded, the President is further ordered, by Article II, Section 3, "from time to time [to] give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient . . . he shall take care that the laws be faithfully executed." Under the threat of impeachment on the part of a vigilant public opinion, there is really very little the Executive can do against the common weal, should he decide to assert his will in an arbitrary and despotical manner. In the words of *The Federalist,* wars and rebellions being the "two most mortal diseases of society," the makers of the Constitution had seen to it that there should be no room upon American soil for either of these plagues.

As a further check against a possible usurpation of power, Article III, Section 2, Paragraph 1, ordains that "the judicial power shall extend to all cases in law and equity arising under this Constitution," with the Supreme Court assigned "original jurisdiction" in cases affecting state rights and consular agents, and "appellate jurisdiction" in all other cases.

On the moot question as to whose authority should be considered as final, significant light is thrown by the framers of the code, who, considering the fact that federal judges are to hold office indefinitely, for life, "during good behavior," (Art. III, Sec. 1), to prevent a usurpation of power in these quarters and to show that they considered the collective will of the people as expressed through legislative acts of Congress above the individual opinion of appointed judges, inserted the clause to the effect that "the Supreme Court shall have appellate jurisdiction, both as to law and fact, *with such exceptions and under such regulations as the Congress shall make,*" (Art. III, Sec. 2, Par. 3; italics by the writer.) It is Congress, then, explicitly, that has been delegated by the founding fathers as the highest legal authority in the land. In a democracy, no individual opinion of an appointed public servant can annul the collective will of the people when expressed through their democratically elected representatives in Congress.

Private legal opinion, traditionally biased, catering to private interests, may offer interpretations to serve the privileged "welfare" of the small minority already in possession of social power and socially created wealth. But when we recall the nature of the Constitution, created primarily as an instrument of "justice" and "tranquility," to guide a new nation "dedicated to the proposition that all men are created equal," then there can be no other interpretation of the intentions of the founders save the one which serves the good of a real majority. This is also in agreement with James Madison's (Father of the Constitution) conceptions at the founding of the Union. While tilting against the votaries of tyranny and oppression, he reveals the true motive behind the efforts of the founding fathers in his proposed address from the Continental Congress to the colonies:

> If justice, good faith, honor, gratitude, and all the other qualities which ennoble the character of a nation . . . be the fruits of our establishments, the cause of liberty will acquire a dignity and a lustre which it has never yet enjoyed; and an example will be set which cannot but have the most favorable influence on the rights of mankind.

There is no place for selfishness, poverty and greedy oppression in the midst of a society conceived in such moral splendor. And, thanks to Madison's proposal, federal justices were to be appointed by the President with the approval of the Senate.

The American system was made to work on account of its liberal policy of fair dealing, expressed in the rational way of give and take; or, as the venerable Franklin expressed it in his inimitable style on the occasion of the compromise achieved between the Virginia Plan and that of New Jersey: "When a joiner wishes to fit two boards, he sometimes pares off a bit from both." By paring off a little selfishness, the commonweal can be served with the least tumult and hardship.

Opposed to lawlessness and mob-rule in any shape or form, "the trial of all crimes, except in cases of impeachment, shall be by jury." (Art. III, Sec. 2, Par. 3.) That under no possible twist of circumstances shall a form of government other than democratic be tolerated within the territories of the United States is made clear by Article IV, Section 4, legislating that "the United States shall guarantee to every state in this Union a republican form of government. . . ." The very possibility of dictatorial tyranny is uprooted, so long as the letter and spirit of the Federal Constitution are faithfully adhered to.

Though laboring one hundred and fifty years ago, the authors of our basic code were modern enough to allow for future modifications. Hence the entire Article V is dedicated to the provision making it possible for future amendments to the instrument, to "be valid to all intents and purposes as part of this Constitution," when so acted upon and democratically "ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof."

"This Constitution," says Article VI, Paragraph 2, in every-day English, "and the laws of the United States which shall be made in pursuance thereof, . . . shall be the supreme law of the land; *and the judges in every state shall be bound thereby. . . .*" (Italics by the writer.) In other words, the Constitution and all Congressional legislation "in pursuance thereof" are the supreme law of the land. The Constitution clearly states that it is the judges who must be "bound" by the basic code and the will of Congress; and there seems to be no visible authority for courts to pass over and against the collective and democratically expressed will of the people when it purports to legislate for those noble aims clearly enunciated in the Preamble, aiming for "general welfare" and against the monopolies of greed.

To make this point more emphatic, we read the ordinance that "all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States." (Art. VI, Par. 3.) Expressed in the last quarter of the eighteenth century, this principle was a most revolutionary idea. But the pioneers framing the code, valiantly exposing themselves to the charge of treason, dared to put this on paper for public instruction and over their personal signatures.

The Constitution's remarkable workability was fully demonstrated barely eighteen months after its adoption when, on March 4, 1789, the First Congress under the new code sitting in the City of New York adopted, at Jefferson's insistence, a *Bill of Rights* (ratified December 15, 1791), to become the first ten Amendments. Patrick Henry's dangerous flirtations with the ideal of a Southern Confederacy and the vigorous campaign of the Anti-Federalists made it a most timely addition, as material evidence that the original promises of Washington and the Federalists were bearing desirable fruit, passing the first real test of the promised workability of the new instrument.

There is hardly in existence a written thought more promising and solemn to modern man than the First Amendment to the American Constitution which challenges all the then existing tyrannies by fearlessly legislating freedom of conscience, freedom of the press, and "the right of the people peaceably to assemble and to petition the government for a redress of grievances." What ancient or modern despotism would tolerate this? And where is the modern nation that can boast of having too much of it?

Arbitrary rule, by force and brutality, has no place in the American scheme as conceived and championed by the framers of the *Bill of Rights*. The Tenth Amendment, most assuredly, reminds all concerned that in the long run the people themselves and their free states are the ultimate masters of their own destinies: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." In a democratic republic there can be no single authority above the legally expressed collective will of the people; outside the will of the people, there is autocracy and tyranny of might.

As the young nation blossomed into manhood, its moral splendor kept pace with its socio-economic developments; and the constitutional amendments echoed faithfully the ramifications of its progressive life.

In 1864, the Thirty-sixth Congress adopted the epoch-making Thirteenth Amendment (ratified in December, 1865), making it the law of the land that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction." And the framers of the code implemented this basic law with an all-important Section 2, stating that "Congress shall have power to enforce this article by appropriate legislation"; thus emphasizing again the unimpeachable authority of the will of the people as expressed through Congressional action, already stated in the famous elastic clause of Article I, Section 8, Paragraph 18, clearly ordering that to Congress is granted the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

In line with Mr. Woodrow Wilson's interpretation (*Constitutional Government in the United States*), "the Constitution was not meant to hold the Government back to the time of horses and wagons, the time when postboys carried every communication. . . ." And our constitutional amendments prove that its guardians, the American people, never intended it to be so fettered. President Monroe's declaration that the American continents cannot be permitted to turn playgrounds for European despotisms (1823); the vigorous prosecution of the Civil War; the purchase in 1867 of Alaska from Russia; the Spanish-American struggle and imperial consequences; the entrance into the World War,—all these show where the winds blow, as a new life with new opportunities opens up before a young people. Article I, Section 8, Paragraph 8, is additional proof of the latent aspirations of the founders, assigning to the new Federal Government the duty "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Returning for its very significance to the Thirteenth Amendment, we find that with its ratification the stigma of Article I, Section 9, Paragraph 1, is

finally removed, after seventy-seven years of shameful vogue. It was accomplished at a terrible cost—a half million casualties on the battlefields, billions of dollars in debt, and, the worst of all penalties, the seeds of sectarian hatreds and prejudices.

A calm and careful study of the Declaration of '76, of the Constitution and its amendments, of Washington's *Farewell Address* with its emphasis on "the obligation which justice and humanity impose on every nation," and of Lincoln's *Memorial Oration,* may convince the uninitiated citizens, Congress, and the members of the Supreme Court (without a dissenting vote!) that it is 100 per cent Americanism in our best tradition to legislate and execute federal laws which aim at maintaining unity, establishing justice, and serving the general welfare of the American people as a whole. And this "more perfect union" can only be achieved if we so legislate that in American homes there should be no fear of sickness and old age; that there should be no more unemployment among those willing to work; that there should be no more degrading labor and farm conditions bordering on serfdom and slavery within the jurisdiction of the United States; and, most important for the very future of our Republic, that there should be no more millions of young American men and women out of school, aimlessly drifting and losing initiative. To rear a young generation with the prospects of the savage brutalities of a "no-man's land" is certainly not conducive to "domestic tranquility," nor does it build "general welfare" in the spirit of the American pledge with its noble promise of "liberty and justice for all." Does not such legislation express the spirit and intentions of the second paragraph of the unanimous Declaration adopted in the Second Continental Congress on July the Fourth, stressing that "governments are instituted among men" to secure the "inalienable rights" to "life, liberty and the pursuit of happiness," upon the hypothesis that "men are created equal?" The industrial revolution has brought about a new species of "involuntary servitude"; but, as Chief Justice Marshall expressed it (McCulloch v. Maryland), the founding fathers had labored to create "a constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs." And are not the people the rightful masters of both Congress and the Courts? Why, then, should not a democratically applicable and equitable enjoyment of life be made possible for every child born into every American home; more so, when such action is peaceful and in agreement with the very letter of the founders, who bravely sacrificed their very lives and fortunes to lay the foundations in order to make such a vision within reach?

In the laborious process of readjustment that followed the painful years of the Civil War, the Thirty-ninth Congress, in 1865, adopted one of the most significant sections of our basic code, establishing that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (Fourteenth Amendment, Section 1, ratified July, 1868.)

Solicitous of moral independence, the authors of the code had thought it necessary to warn against the bribes of fashion by the injection of the clause that "no title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince or foreign state." (Art. I, Sec. 9, Par. 8.) As an illustration of Constitutional Republican government, it is a most telling point for reflection.

Another indication of the pliability and sensitiveness of the Federal code to timely needs is indicated by the adoption of the most significant Fifteenth Amendment declaring that "the right of citizens of the United States to vote shall not be denied or abridged . . . on account of race, color, or previous condition of servitude." The law is here, for an informed public opinion to assert itself. The Seventeenth Amendment, ratified in 1913, directing the election of United States Senators by direct vote of the people (replacing Article 1, Section 3), is another instance of popular peaceful progress, easily performed under the pressure of democratic control. Throughout its entire career, the instrument under discussion has been against the tyranny of the many and against the despotism of the few, and always for free initiative and the freedom of the individual. As Theodore Christianson has brought out most vividly, "while other constitutions had been grants from the government to the people, ours was a grant from the people to the government." With the popular will and interest predominating, there can never be an enthronment of tyranny in American life for any considerable length of time without an immediate revolt on the part of the people. This was emphasized in his own unmistakable style by President Franklin D. Roosevelt in a radio address dealing with the topic, State and Nation:

> The United States Constitution has proven itself the most marvelously elastic compilation of rules of government ever written. . . . Let us not forget that there can be an autocracy of special classes or commercial interests which is utterly incompatible with a real democracy whose boasted motto is, 'of the people, by the people and for the people.'

There is timely wisdom and warning for our age in these few but significant lines.

But the remarkable workability whereby the Constitution is truly made an organ of popular assertion is demonstrated when the Sixty-fifth Congress, in 1917, decides for the Prohibition of the Manufacture and Sale of Liquor, (ratified August 26, 1920), and when the Seventy-second Congress in 1932, (ratified December 5, 1933) repeals the amendment after thirteen years of unsuccessful attempts at enforcement. It was indeed a long stride from the year 1846, when Maine first introduced prohibition, and the year 1893, when the powerful Anti-Saloon League was founded, to the date of its final repeal. But the processes of democratic procedure are here, revealing a most salutary resiliency.

The adoption of the Nineteenth Amendment by the Sixty-sixth Congress, in 1919, (ratified August 20, 1920), granting the vote to women, gives additional weight to the sound principles of the American way to progressive social life, without recourse to those brutalizing methods of tyranny which degrade the best in man, throwing him back to the practices of the savage. Between the ways of the jungle and the ways of democracy, the founders of the United States of America have wisely chosen the roads dictated by reason; passing the lesson on to posterity as a most precious

heritage; in turn, to nurse, to improve, and to pass on to posterity.

In the ways of the Constitution, whether it be the Interstate Commerce Commission, Social Security, or Labor Relations, through social legislation our life can be ordained in a manner becoming to a truly civilized modern nation. A century and a half of actual life under the working principles of the Constitution now fully justify Washington's original contention and promise, which he expressed clearly in his letter to Boston at the crucial moment when the Massachusetts Convention was wrangling with the prospects of ratification and there was danger from the camp of the Anti-Federalists. In this communication our first president tried to calm and dispel the fears of the liberty-loving patriots of New England (who had a natural dislike for centralized authority) by the assurance, "If the Constitution is our choice, a constitutional door is open for amendments, and they may be adopted in a peaceful manner, without tumult or disorder." And it is of significance to note that only with the adoption of Hancock's amendments providing for a *Bill of Rights* did the State of Massachusetts finally ratify the Constitution,—one hundred and eighty-seven votes cast for and a dangerous total of one hundred and sixty-eight votes cast against, thus saving the day with the meager majority of nineteen votes.

Though not fully "without tumult and disorder," as Washington had hoped, the twenty-one Constitutional Amendments have clearly indicated that he was right and that under the original code all necessary social readjustments can be brought about in the constructive ways of a living democracy.

Noah Webster defines a *constitution* as "a system of fundamental principles for the behavior of rational and social beings," and offers as an illustration Grimke's assertion to the effect that "the New Testament is the moral *constitution* of moral society."

Whether modern society truly accepts the tenets of the Sermon on the Mount as its moral constitution and whether modern man, judging from past performances and present behavior, is truly a rational and social being are matters open to weighty doubt. But it is an historical fact (brought to our minds again by a sesquicentennial of the signing of our Constitution) that the American basic code has been a most potent incentive for the formation of the American character, which is still in the process of growth and development; it is, using William E. Gladstone's superlative, "the most wonderful work ever struck off at a given time by the brain and purpose of man." It is the lighted torch pointing the way toward a world of enlightenment, where liberty and justice become the ultimate aim of all individual and social effort. The Constitution and the Declaration of '76 that preceded it have helped the American people to crystallize those basic principles of a progressive society that strikes for peace, for human liberty with honor, for human fellowship and coöperation and happiness, for social equality, for universal economic security,—the combined strength of which forms the foundation-rock of a truly great commonwealth.

United by a common love of justice and of liberty; ever ready to assist in times of need in the prevention of the consummation of mighty wrongs against the rights of mankind; though ever for peace, yet, in the face of danger from the frequent stupidity or the more frequent unholy ambition of the false leaders, ever holding ourselves ready to yield our all to defend the liberty we have inherited—this, in the brave words of the Commander-in-Chief of the American Expeditionary Forces in the World War, is the guaranty reassuring the present generation of the vital forces which still hold the promise of an America triumphing over all those weighty issues which vex the nation.

The Spiritual Element in Democracy

GEORGE E. Q. JOHNSON

In the period following the world war, up to 1929, the energy and the attention of the American people were directed into the channels of finance and industry, and the goal was money. Little attention was paid to government, and the voice of those who give expression to the spiritual elements in our national life went unheeded.

Our chief task today is to recapture the spiritual element and to make it a vital force in our national life. Faith, courage, tolerance, fairness, justice, liberty and patriotism in their real essence are spiritual elements. If we recapture these and make them vital, they are the natural solvents which will distintegrate forces which lie at the base of both our social and economic maladjustments; and not for a long time in the history of the world has there been so great a need for this.

There are many voices which are heard today which speak for different groups: racial, political, financial, industrial, and labor. For the average man it creates the same confusion as when, in the construction of the Tower of Babel, many spoke to one another in strange tongues, neighbor could no longer understand neighbor in the resulting confusion.

Space will not permit a discussion of all the elements which enter into this situation, and I will therefore limit myself to a discussion of one.

Today men are worried over the problem of economic security for themselves and their families. In the whole world liberty is being bartered for an alleged advantage which is to be had by limiting the individual and political right of the citizen. We have many illustrations of this, governments which rose by struggle—the history of which was written in the hearts' blood of their noblest men and women. These governments have faltered and then given way to dictatorships; and in these lands today the spiritual elements of life play but a small part and they live only in the hearts of those who have an understanding of real values. Everywhere intolerance raises its ugly head, and liberty, as we know it in America, no longer survives. To me it seems clear that we in America cannot escape the impact of all of these forces. To be on our guard, and to work and to instruct both by precept and example, is only the counsel of prudence if we are to transmit to our children this great inheritance which has been handed down to us, born out of a bitter travail of more

than a thousand years of struggle. How, then, best to do this?

There have been many attempts in the last few years to cope with this onrushing tide of social, economic, and political unrest. While all such attempts have probably done some good, the ordinary observer cannot help but feel that they have failed to attain the desired result. Some of them have been defeated because of their evident partisan nature; others because they were believed to have their origin in the economically superior groups; others because they were advocating various panaceas; and still others because they reached only certain small groups. Nearly all suffered from a lack of definite knowledge, both of subject matter and of audience.

All of us who are interested in the survival of the American system are anxious to find the right way to defend that system. On our side is the basic fact that the American system most nearly fits the needs and desires of almost all human beings. However, in that fact alone does not lie safety, because humanity may wander far from the straight path and may suffer grievously in attempts to return to it. The history of all of the attempts at the collective state in European countries points this moral all too plainly.

We need to stimulate in all of our people, and especially our young people, an understanding of, a belief in, and a love for the American system and a profound distrust of the collective state based on an understanding of that fallacious doctrine; and to develop harmony among all of the groups and classes of our population so that no matter what partisan differences there may be among us we may present to the world a solid front of American citizenship, free from the rising tide of intolerance, with faith in God, faith in each other.

Propaganda has become a great science, and is being used to mislead and distract our citizens. It seems to me that our one single greatest weakness is that we do not answer these false teachings in most places where they need to be answered. In fact no united or concerted effort is being made to answer this propaganda. Much of it is directed at students in our schools and colleges who will be leaders of tomorrow. Sometimes it is directed at churches because they know the influence of the churches even though the churches have no place in their future plans. They aim at labor unions and all labor because the fomenting of class hatred constitutes one of their major weapons. In the end this propaganda tends to disorganize, to array class against class, to breed intolerance, hatred, and distrust. The spiritual life of a nation cannot flourish and come to full fruition where the enemies of that life are so active and where these false teachings are so inadequately answered. We must bring this great American message home to the people where they live, in the community center, in the school, in the church, and, above all, in the home, presented in simple and understandable language in which great truth can be expressed most eloquently. Class hatreds, racial hatreds and intolerance will wither and die, if this great lesson is brought home to the people who in their hearts cherish and love America and want to live under conditions where they have freedom of conscience and freedom of expression as their fathers had known it before them.

Appreciation

A Statue—A Poem—A Picture

FLORA WHITE

There are certain limitations in the sensitivity of our perceptions that we New Englanders would do well to frankly face as an acquired characteristic. It is true that these limitations are to a certain extent also American but they are so specifically New England in origin and so markedly persistent here that we need not go beyond our own boundaries to discuss them.

By way of illustration, there is at the moment a so-called "revival of appreciation" for the creative genius notably displayed in our country during the last century. But who taught us to recognize and appreciate the genius of Thoreau, Emerson, Whitman?

I well remember dining in my youth at the home of the aged sheriff who had arrested Thoreau at the time of the Mexican War. He spoke with kindly tolerance of the Concord sages—with an amused *sang-froid* of Alcott, of Thoreau as merely a crank, and of Emerson as a fairly good citizen who paid his taxes and kept up his fences. And these comments were by no means at odds with community estimates. Not until I went to England did I meet that wide and deep appreciation of the higher types of genius which here had only found recognition among a small cult. I still hear Bostonese Brahmins recount tales concerning Emerson that make me feel—as if I were at sea in rough weather! These tales are obviously told under the illusion that recounting them indicates a sense of humor. A spark of genuine humor—that humor which distinguishes between the fictitious and the real, that humor which is perceptive as to values—would silence the raconteur, and possibly set free a power of discrimination that is greatly needed.

These instances, indicative of a prevailing attitude, are mainly of yesterday. How is it today? In 1934 a liberal-minded clergyman, in one of our small New England towns, suggested that the war-memorial about to be erected should be made a peace-monument. A distinguished New York sculptor was secured to create the design. The artist himself is said to consider it his most notable production.

The statue portrays a carelessly attired doughboy seated on a stump. He is talking to a child who stands beside him. The doughboy has sharply defined features typically American. One hand is clenched. He looks into the face of the child, saying "It shall not be again." The child, a snub-nosed lad of eight or ten years, is listening eagerly, every muscle taut. It is a portrayal, by means of implication, of that which lies beyond portrayal. And Baudelaire, if I remember

rightly, suggests that this is the test of the highest art. "*L'énergie, c'est la Grace supréme.*"

The New York *Times* had an appreciative article on the statue, describing it as the world's only war-memorial dedicated to the cause of peace. I drove through that little town after reading the article in order to see the statue. The friend who was with me stopped at a filling station in the heart of the village, and asked where we would find the famous monument. A self-confident Yankee on service answered with a laugh, "The monument is right behind that store over there, but I never heard 'twas famous."

We found it just a few rods away, close to the railroad station. It stood on a neatly kept plot of ground, surrounded by the rear entrances of stores and storage-buildings accoutred with the usual paraphernalia of such places. A heart-rending location!

An Italian fruit-vendor watched us when we returned to our car near his stand. His eyes were bright with that unmistakable gleam which springs from aesthetic appreciation. I smiled in response to his glance, for it seemed a question mark. He replied—"It is beau-ti-ful, much indeed! I look all time."

There is a large and prosperous town within ten miles of this village and its famous statue (famous in cosmopolitan New York and art-loving Paris), but I have yet to meet among a wide acquaintance there a single person who had seen this statue. The radio had proclaimed it, Boston papers had commented upon it, without touching the consciousness of reputed art lovers and art patrons who repeatedly passed within a stone's throw of it on pleasure trips. People who flew to Paris and were vividly conscious of the Arc de Triomphe and the Place de la Concorde were wholly unconscious of this far nobler though unassuming work of art here in the heart of New England at their very doors. Even those whom I persuaded to make the half-minute detour responded for the most part with an air rather reminiscent of the old sheriff in regard to the Concord sages—a tolerant acquiescence in some possible though unapprehended merit. Only the Italian fruit-vendor really cared and knew that the statue was the product of genius.

In 1936 Harvard College celebrated its Tercentenary anniversary. Hermann Hagedorn wrote an ode for the occasion entitled, "What of the Light, Harvard?" The poem was afterward published in a booklet containing many notable events and addresses of the celebration. Every Harvard graduate received a copy of this booklet. It has not been my good fortune to meet a single Harvard graduate who had read the ode before I spoke of it to him; nor, among those who heard it delivered, to encounter anyone who was impressed by it. Personally I believe the ode to be imperishable. The truths that it embodies are timeless, universal truths inimitably expressed. A thousand years from now it may well stand as a world masterpiece.

Last winter I visited a current art exhibition in Boston. Among the miscellany displayed, there were three pictures of marked distinction. One of these three involved a perception of cosmic forces that pushed the picture into a realm unattained by the competence, technic, or verisimilitude of the other two. The passively interested crowd surged along pausing before the more bizarre or the most strikingly fantastic portrayals. An occasional art critic hurried through the gallery without apparently seeing anything.

It may be argued that these instances cited are merely instances and prove little or nothing. Unfortunately, the instances cited are merely instances of prevalent attitudes of non-perception.

That there is creative capacity in our New England make-up can hardly be controverted, however much it may have been deflected. André Siegfried points this out in somewhat scathing words in his *America Comes of Age*. He says (page 37), "Money thus becomes not only a symbol of creative power but a sort of moral justification." And later on (page 53), "The dominant force in America that is threatening to carry all else before it is the obsession for tangible and material results." He closes a depressing chapter on this same theme (page 69) with the words, "In the pursuit of wealth and power America has abandoned the ideal of liberty to follow that of prosperity," and he shows how in that process the sense of aesthetic values has been lost.

Though creative capacity is one thing and appreciation is another, yet neither can long exist unless the other is present to sustain it.

I read with interrogative interest the press appraisals of the art exhibit I have mentioned. The lines of emphasis were not those that belong to any just criteria of art. Faithful representation of the factual was repeatedly stressed as the desideratum to be attained and was (rightly) declared to be the dominant characteristic of the display. But should it have been so highly commended? The one artist who had led the imagination far beyond the factual was notably omitted.

However, the point with which one takes issue concerns no particular artist. It is merely a question of what constitutes a commendable characteristic. Has a photographic exactitude the potentialities that could give it permanence as true art? Or should the artist so portray the impermanent as to give us glimpses of the timeless, the eternally permanent? Whatever the answers to these questions should be, it is quite certain that the art critic will not help us to find them. He will "evaluate," he will "cognize," he will "challenge," he will grow "nostalgic," using a maximum amount of space to a minimum of content without saying that which could by any chance stimulate a quick and sensitive perception of the highest quality in works of art.

In the meantime, the public, the looker-on, the buyer has one criterion and only one—"I like it," or "I don't like it," both of which are inconsequent. We may not like the thunder-storm, the flood, the fire, but if we are unaware of their present significance in relation to life and their ultimate power, we are unperceptive, and will never develop a commendable degree of aesthetic appreciation.

The Field

(*Continued from page* 34)

Chinese people, but, he asked: "Is Indian manhood and are Indian resources to be exploited for the protection of British imperial interests?" He opposed Indian participation in a war in the Far East.

Nothing is ever settled until it is settled right. What lies ahead in India is difficult to foresee, but Nehru and Gandhi are coöperating in a campaign "to fight the British," along constitutional lines, if possible, but by mass civil disobedience, if necessary. Their goal is an independent India.

World Events.

India in World Culture and World Politics

TARAKNATH DAS

India has a definite and important place in the fields of world culture and world politics. This fact is more and more being recognized in India and the world at large. World interest in India is growing as is evidenced by recent publications. I shall try to give a short account of a few excellent books published recently.

Prof. H. G. Rawlinson, while discussing the subject, "The Influence of India in European Literature and Thought," has recently written:

> India, it has been said, suffers today, in the estimation of the world, more through the world's ignorance of her achievements than the absence or insignificance of those achievements. The work of three generations of scholars has done much to dispel the clouds of prejudice which prevent the West from appreciating the true greatness of Indian culture, but much remains to be done. Even the greatest of Indian rulers are still scarcely known by name to the general readers, and Indian art and architecture are regarded as grotesque and unfamiliar. More and more, however, we are beginning to realize the innumerable contacts, throughout the course of history, between East and West, and their mutual indebtedness in language, literature, art, and philosophy. As time goes on it will be increasingly realized that a knowledge of the history and culture of India is essential to the foundation of a proper understanding of the origin and growth of western civilization. The intellectual debt of Europe to Sanskrit literature, already great, may well become greater in the course of years.[1]

In the work *The Legacy of India,* fifteen most outstanding authorities, Indian and western, have given us lucid essays on various phases of Indian culture, which should be useful to all students of the cultural history of India.

In a three-volume work of about 2,000 pages of double-crown octavo size, the Ram Krishna Mission has given us *The Cultural Heritage of India,*[2] which might be regarded as an encyclopaedia of Indian culture, containing contributions from one hundred Indian scholars representing fifteen Indian universities and culture centers. It is undoubtedly the first comprehensive work of its kind, and its value cannot be over-estimated. "No library, no institute of social, scientific, philosophical or economic research, no university, can afford to do without a copy of the *Cultural Heritage of India.* Indian achievements in mathematics, the physico-chemical and biological sciences, the sciences of the mind and the spirit, and religion, on the one hand, and in practical arts, industries, economic organization, politics, and social welfare, on the other, are all described in these fascinating three volumes." These volumes are enriched by 171 illustrations of exquisite beauty executed by master artists of India.

It is recognized by western scholars that Indian thought influenced Greek philosophical ideas. Students of Comparative Religion find similarity in the teachings of Jesus Christ and those of the Upanishads of the Hindus which are supposed to have been written between 1000 B.C. and 300 B. C., if not earlier. Until 1783, when Sir William Jones and others unveiled some of the treasures of Sanskrit literature, the western world did not have the opportunity of studying Hindu philosophy from the original sources.

The teachings of the Upanishads are not mysterious but sublime. Man is not matter, neither is he a born sinner. He is "part and parcel of God," the Eternal existence, intelligence, and bliss. Salvation of man lies in achieving unity with the Eternal Spirit. This is to be attained by endeavors of man whose inner cry is: "Lead me from the unreal to the real, lead me from darkness to light, lead me from death to immortality." *Ten Principal Upanishads*[3] put into simple English by Shree Purohit Swami and W. B. Yeats will be helpful to all interested in the study of Hindu philosophy.

Since the days of the Chicago World's Fair of 1893, when the late Swami Vivekananda, during the sessions of the Parliament of Religions inaugurated by the unceasing efforts of the late Jenkin Lloyd Jones, startled the western world by his message of Hinduism, western people have taken an active interest in the Hindu methods of self-culture—physical, psychical, and spiritual—generally known as *Yoga.*

At first the inquiry into Yoga philosophy and practices was limited to the microscopic minority; but the work of the Swamis of the Ram Krishna Mission and of many sincere western seekers after truth has widened the interest of the general public to a very great extent. To be sure, many charlatans—western and Hindu—have used in the past and now are using the garb of a Yogi and posing as a Master. Yet it must be recognized that the teachings of Yoga philosophy and practices, spread through devious ways, have revolutionized the attitude of the western public about the ideal of self-culture and salvation. In this connection, I wish to draw attention to two books recently published in New York.

Col. F. Yeats-Brown, author of *The Lives of a Bengal Lancer* and *The Lancer at Large,* in his recent work *Yoga Explained*[4] has given an excellent account of what Yoga is and how Yoga practices may be helpful to all, even the so-called atheists. The book is illustrated with Yoga-postures and is of immense value because the author, a former British army officer, explains *Yoga* from his personal experience, as he learned it from great teachers in India and as he has practised it for self-development.

Dr. Kovoor T. Behanan, an Indian scholar, sometime a Sterling Fellow, Institute of Human Relations, Yale University, has given us in his work *Yoga, a Scientific Evaluation,*[5] a critical and comparative study of Yoga philosophy and the application of its teachings as a means of self-culture. This is a valuable work; and the chapters on "Yoga and Psychoanalysis," "Yoga and Psychical Research" will be of great value to students as well as to laymen.

It is a matter of great satisfaction that after 150 years (days of Sir William Jones), there are signs that Hindu philosophical ideals and practices are being popularized among the intelligent public of the West. This will have a tremendously beneficial effect in bringing about genuine cultural coöperation and better understanding between the East and the West.

1. *The Legacy of India.* Edited by G. T. Garratt. New York: Oxford University Press.

2. *The Cultural Heritage of India.* Published by The Ram Krishna Mission, Belur Math, Howrah (Calcutta) India. Price Rs.30 or $12 or 50 s. Foreign Postage, $2.50 or 10 s.

3. *The Ten Principal Upanishads.* Translated by Shree Purohit Swami and W. B. Yeats. 159 pp. New York: The Macmillan Company, $2.00.

4. *Yoga Explained.* By F. Yeats-Brown. 164 pp. New York: The Viking Press. $2.00.

5. *Yoga, a Scientific Evaluation.* By Kovoor T. Behanan. 270 pp. New York: The Macmillan Company. $2.50.

India is as large as all of Europe, except Russia; and it has a population of more than 300 millions. Through the researches of western and Indian scholars and archeologists, it has been definitely established that some 5,000 years ago, before the pre-Aryan conquest, a great civilization, in many ways superior to contemporary Egypt, flourished in the northwestern part of India.

In his recently published *Creative India,*[6] Professor Benoy Kumar Sarkar of Calcutta University, has dealt with some of the creations of the Indian peoples in personalities, ideas, institutions and movements during the period of approximately 5,000 years (3,000 B. C. to 1935 A. D.). Among other things, he has discussed literature, art and social philosophy of the Indian people, the influence of Indian culture all over Asia and other parts of the world. More than 250 pages have been devoted to the study of "Creations of Modern India." This phase of the work will be of great value to students of India in transformation, because it throws considerable light on the creative phase of Indian nationalism which is based upon the conception of increasing national efficiency in terms of the best of the western standard. In interpreting the spirit of Young India, Professor Sarkar speaks like a real cosmopolitan and presents the ideal of "world conquest" in terms of scientific, industrial, political, as well as cultural achievements.

While the study of Indian cultural history is receiving attention among scholars, the question of the Indian struggle for freedom is one of the great problems of the twentieth century affecting world politics and world peace. Of course the late Dr. Jabez Sunderland's classic work *India in Bondage and Her Right to Freedom* should be studied by all students of Indian politics. Mr. Chaman Lal, an Indian journalist of international standing, in his recent work *The Vanishing Empire,*[7] gives his views regarding Young India's struggle for freedom during recent years. The work is eclectic; yet Mr. Lal's attitude may be regarded as an expression of the younger generation of India and therefore this book will be helpful to those who wish to understand the trend of Indian thought regarding the political future of the land.

India's cultural heritage is a valuable asset to humanity, and India's political future is bound up with the progress of the nation and the trend of world politics.

6. *Creative India.* By Benoy Kumar Sarkar. 714 pp. Lahore (India): Motilal Baranasi Dass. Price $5.00.

7. *The Vanishing Empire.* By Chaman Lal. 250 pp. Tokyo: Kyodo Printing Co.

Study Table

Universal Morality

THE CONCEPT OF MORALS. *By W. T. Stace.* 307 *pp. New York: The Macmillan Company.*

On the left-hand page of the book of knowledge much of our recent literature, political science, and social and economic theory has been written. On that same left page, a group of contemporary ethical philosophers have recorded a modern and radical concept of morals. They call their attitude "ethical relativity"; and they stand unalterably opposed to those old-fashioneds and conservatives, the ethical absolutists.

The absolutist, Mr. Stace explains, holds that there is one eternally true and valid moral code which applies impartially to all men in all ages, and in all the universe. The relativist, on the other hand, derives his position by simply refuting everything the absolutist asserts. For the one, there is a single universal moral standard. For the other, there are only local, ephemeral, and variable standards.

Both men are guilty of the inevitable failing: extremism. To be sure, absolutism is dead (according to the author). Yet, in the other direction, relativism has run riot, lost all perspective.

> When it [relativity] goes the length of destroying the distinctions between the true and the false, between the fair and the foul, between the moral and the immoral, then it is on the way to making chaos of our spiritual and cultural lives. Would there not be room for a philosophy which should attempt a sane appraisal of the issue?
>
> The modern mind is empirical, realistic, relativistic. It is merely stupid to rail against it, to demand that it revive within itself a temper which it scarcely any longer even understands. The age must solve its problems in *its own terms* . . . Therefore the remedy for an extreme relativism is not to go back to an out-of-date absolutism. The remedy is to discover a *sane* relativism—in metaphysic, in esthetic, in ethic."

Reasonably, this is what Mr. Stace attempts to do.

His first step is to consider a little more fully the respective cases for ethical absolutism and ethical relativism. If the former is to be accepted, we will have to find a secular philosophical basis for it, since the old religious one has been broken down. So far we have not found any. Relativism, in its turn, is faced with the charge that, if carried to its logical conclusion, it would destroy the conception of morality altogether, and render meaningless many universally accepted truths. It would, in short, revolt and outrage man's moral feelings. To circumvent this stalemate, Mr. Stace rejects both ethical absolutism and ethical relativism, and postulates instead a morality which is universal but not absolute; which applies to all humanity in all ages; which is relative in the sense that it is relative to the universal needs of human nature.

For the next 150 pages, he is concerned with determining, by an empirical process, just what this universal law is. He decides that it must embody the three concepts of happiness-production, altruism, and justice; and that it must be applicable to all men in the sense that, even if they do not accept it, they *ought* to do so. He states the principle briefly: "Act always so as to increase human happiness as much as possible. And at the same time act on the principle that all persons, including yourself, are of equal value."

This proposition seems acceptable; but does it merit the epithet "universal"? Yes, says Mr. Stace, because the element of altruism, which is the essence of morality, is found in some shape or form, in greater degree or less, in every human society. With altruism —the idea of unselfishness—we have a uniformity of inner spirit throughout the world.

There remains a single question—the query of queries: What is the basis and foundation of this moral law, and of the obligation which it imposes? Mr. Stace's answer is scarcely adequate. Moral obligation, he believes, is founded upon the dual feelings of

sociality and benevolence. Of the former factor, he says:

> The social nature of man is one of the two sources of moral obligation. It is the most primitive source and perhaps the most important. Without society, men cannot be happy, and they cannot have society except upon the basis of a greater or lesser degree of altruism. The only condition upon which men can live together is that they shall have regard for the needs, desires, and feelings of one another. Thus it is impossible for me to be happy unless I am prepared to act for the happiness of other men. . . . Why, then, should I be moral? Because I myself can only be happy if I am moral, that is, if I consult the happiness of my fellows.

Concerning his second factor—benevolence, or the disinterested desire to have other people happy—he says:

> The second universal fact of human nature [benevolence] is also one of the foundations of moral obligation. For it is an essential basis of altruism. It means that men cannot be happy unless they work for the happiness of others. Why should I be moral? This means, Why should I be unselfish? One reason has been found in the fact of sociality. Here is the other reason. That I am, willy-nilly, made directly happy by the happiness of others, and unhappy by their unhappiness, means that I can only attain complete happiness for myself through unselfishness, through seeing others happy and making them happy.

Early in his book, Mr. Stace observed that this modern age is empirical, realistic, relativistic; and that the only way to solve its problems is in its own terms. Minding his own advice, he has considered the question of the basis of moral obligation from a secular and empirical standpoint. So far as it goes, his answer, is valid, logical, and experimental. Whether or not it is sufficient, whether or not there are deep and illimitable reaches which the author has not explored, is another question.

W. Waldemar W. Argow, II.

Philosophy for the Layman

Great Thinkers. *By Trumbull G. Duvall.* 320 *pp. New York: Oxford University Press.* $3.00.

This book is written for the layman and gives not a cut-and-dried history of philosophy, but the thought of various leaders in religion and philosophy who have really changed civilization. The list comprises Gautama Buddha, Confucius, Socrates, Plato, Aristotle, Epicurus, Plotinus, Jesus, Augustine, Spinoza, Kant, Fichte, Schelling, Hegel, Schopenhauer, and Nietzsche. Some of these thinkers have a chapter devoted to them, others are treated in lesser space. The aim of this book is most excellent: to tell in simple, untechnical language how the great philosophical systems grew out of man's struggle to understand himself and his place in the universe; then to help the reader to see that in the life of the spirit there can be no hope of progress without an understanding of the struggles men have made in the past. In this book Professor Duvall has humanized philosophy. He has made philosophy understandable to the average reader. In this he has made a very real contribution, since America today needs an understanding of philosophy upon which to base its experimental life. The author has long been professor of philosophy at Ohio Wesleyan University, and lately has been made professor emeritus. Through this interesting and important book his influence will go far out beyond the borders of any classroom. Get this book and read it.

C. A. Hawley.

Correspondence

News From Gandhi

> [A personal letter received from India brings direct news of Gandhi's condition of health, of which bad reports have appeared in the American press.—J. H. H.]

. . . Your very kind letter has come to Bapuji [Gandhi]. I write to thank you for it, as he is still not attending to correspondence himself. I want at once to lighten your anxiety. Bapuji is suffering only from overstrain and high blood pressure. His heart is passed by the doctors as quite sound. It is mental rest that he needs, but the state of the nation makes it impossible for him to get it.

During the last six weeks he had definitely improved in health. His blood pressure had come down almost to a steady normal, and he was enjoying his morning and evening walks across the quiet fields. But then came the Working Committee meetings . . . which put up the blood pressure again for it had not had time to get settled. And now has come the Congress! . . .

The situation facing the country is a very difficult one, and everybody wants Bapu's farsighted mind and steadying influence. So here we are on the bank of the Tapti River. The Congress Camp is a wonderful sight, a city of bamboo in the midst of the open jungle. How nice it would be if you could come one year to see one of these Congress sessions! The most interesting thing is the exhibition of village industries. You would be surprised to see how little need there is for factories. . . .

Congress Camp, Haripura.
February 17, 1938.

Religion and Social Action

Editor of Unity:

I was greatly pleased with the article by Curtis W. Reese in the February 17th issue of Unity. Surely the free churches should take an active part in social administration and construction in the political arena. For politics consists of the formulation and administration of rules regulating the relations of persons one with another.

Of all social organizations in America, the ones built around Monotheism and the teachings of Jesus of Nazareth are, in my opinion, the ones best qualified to take an active part in politics.

Go on, Unity, fire all church members with the passion to do today what Jesus did in His day—drive the money-changers out of the Temple—and then to build a new socio-economic structure founded on personal relations, equality, freedom, and love.

W. P. Calkins.

Weed, New Mexico.

John Haynes Holmes
Editor

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